



# Montana

SENATE PUBLIC HEALTH, WELFARE & SAFETY	
EXHIBIT NO.	<del>10</del> 4
DATE:	1/11/13
BILL NO.	SB 11

## **Please Support Senate Bill 11**

Senate Bill 11 is sponsored by Senator Mary Caferro. The bill revises the parole and probation system to work more effectively for offenders that have a serious mental illness. The bill's main focus is on prisoners who have been convicted as Guilty but Mentally Ill and sentenced to the custody of the Department of Public Health and Human Services. This is only roughly 1% of the Correction population, but the reason for their unlawful actions are different than other prisoners, so their release dates and the supervision requirements should reflect that difference. It is critically important make this system as effective as possible for public safety, the impact on the offender's lives, and the significant costs to the State of Montana of both keeping offenders in institutions longer than necessary and having them repeatedly return to the institution. Senate Bill 11 also provides for overall training and Parole Board requirements that will help the Corrections system deal with all prisoners with mental illness.

- The main function of the bill will be to make it clear that offenders committed to the Department of Public Health and Human Services can utilize supervised mental health treatment programs in order to help them qualify for parole. MCA 46-23-101(6)
- The bill will help get offenders who are deemed ready leave the expensive care of the Hospital (over \$500/day) into supervised programs in the communities that will ensure the offenders continue treating the mental illness symptoms that made them dangerous. MCA 46-23-101(6). The current system of paroling these offenders has a 60% recidivism rate.
- This bill will make the parole standard for offenders who are deemed Guilty But Mentally Ill solely depend on their ability to be safe in the community through participation in a supervised mental illness treatment system, by excluding them from the broad requirement that all offenders must serve a quarter of their sentence before being eligible for parole.
- This bill will mandate mental illness training for the Parole Board, probation, and parole officers. It will also require two members of the Parole Board to be mental health providers.
- This bill will make it clear that an offender may have a mental illness and another co-occurring brain conditions such as developmental disabilities and substance abuse conditions. This is a medical reality that should be reflected in the law

**We will support amendments (on back side) gain support of certain mental health providers groups and to dramatically decrease the amount of the fiscal note.**

## Recommended Amendments

- Eliminate Section 5-7 of the bill. This will address the concerns of certain mental health provider organizations.
- Revise one portion of Section 8 in order to reduce the cost of the fiscal note. Recommended language is below:
  - (7) Parole may be revoked for a prisoner who fails to comply with the terms of a treatment supervision program as described in subsection (6). If the prisoner has been sentenced under 46-14-312, then prisoner shall be recommitted to the custody of the director of the department of public health and human services and confined in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312.
  - (6)(b) parole may be revoked if a prisoner fails to comply with the terms of a supervised mental health treatment program described in subsection (6)(a), in which case the prisoner must be recommitted to the custody of the director of the department of public health and human services and ~~confined in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312.~~